

Proposed 2009 Council Study Issue

DPW 12 Relationships among garbage rates for townhouses, condominiums, mobile home parks and single family homes

Lead Department	Public Works
Element or Sub-element	Solid Waste Sub-element, Fiscal Sub-element
New or Previous	New
Status	Pending History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

This study issue was proposed by Councilmember Howe several weeks after Council adopted new Cost of Service refuse collection rates on July 22, 2008. That action provided, as did previous rate actions, separate rate structures for single-family homes (which includes duplexes and tri-plexes) and the roughly 4,000 dwellings located in mobile home parks. Rates for mobile home units are set lower than single-family homes because, as a group, Cost of Service studies have found that they have characteristics that reduce the cost of providing service (including billings and collecting rate revenues) as compared to typical single-family homes.

The current Cost of Service rates charged to individually-owned townhouses and condominiums are determined based on how their garbage is stored and collected. Those that are provided single-family home service (i.e. cans and carts) are charged single-family rates. Those that receive "dumpster" service are charged the same rates as other dumpster customers, i.e. based on the size of the container and frequency of pickup.

This study issue would examine whether townhomes and condominiums have characteristics that justify setting up separate rate structures for them.

Pursuant to a Council policy adopted in 1993, Sunnyvale's 300+ individual solid waste collection rates are set based on the cost of providing each service. This approach is consistent with California law requirements that fees charged by jurisdictions not exceed the cost of providing the service in question. Rates are periodically recalculated and reset to cost of service. This process was recently followed and, following a comprehensive cost of service study, Council approved new Cost of Service rates on July 22, 2008.

Customers in mobile home parks make up approximately 4,000 of the 29,000 total customers provided with "single family" service (i.e. cart/can service for garbage, plus optional recycling and yard trimmings service). For at least 20 years, the City's refuse collection rate structure has broken out mobile home park customers as a separate group for rate-setting purposes and have been charged rates lower than the standard single-family rates. For example, the monthly single family 35-gallon cart rate is \$25.31 and the corresponding mobile home rate is \$18.83 per month, a difference of \$6.48. The lower rate reflects the fact that the mobile home park customers, as a group, are less expensive to serve than single-family homes.

Factors contributing to this include:

- Each mobile home park, which may contain as many as 1,000 customers, generates just one bill (to the management company) and one payment, compared to the 1,000 bills that must be printed and mailed to the corresponding number of individually billed homes.
- Because they do not generate individual start/stop service orders (also handled by the management company), little staff time is required for communicating with this group of customers.
- Collection of garbage in mobile home parks is carried out more efficiently than in other neighborhoods due to the close spacing of the homes, the combination of easy truck access plus narrow street widths (which allow both sides of the street to be collected at the same time) and the lack of on-street parking.

2. How does this relate to the General Plan or existing City Policy?

Solid Waste Sub-element

Action Statement 3.2F.1a - "Periodically restructure refuse collection and disposal rates to incorporate demand management, minimize demand for services, and reflect actual costs."

Fiscal Sub-element

Policy 7.11.1a.5 - "The user fees established for each utility will be reviewed annually and set at a level that will support the total costs of the utility, including direct and indirect costs and contributions to reserves set by Council policy."

Council Policy 3.2.3 - "Provide a consistent method, based on cost of service, for setting rates for solid waste services."

3. Origin of issue

Council Member(s) Howe

General Plan

City Staff

Public

Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009**5. Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? No

What is the public participation process?

A "Proposition 218" notification would be mailed to all customers at least 45 days prior to Council consideration of any change in solid waste collection rates. Council is required to hold a public hearing on any changes to the rates. Notification of the proposed changes would be provided to neighborhood associations.

6. Cost of Study

Operating Budget Program covering costs

Program 323, Solid Waste Management

Project Budget covering costs

Budget modification \$ amount needed for study

\$30,000

Explain below what the additional funding will be used for

Consultant assistance in revising the Cost of Service computer model and advising staff on policy options and effects of changes to rates for townhouses, condominiums, mobile home parks and single family homes on other ratepayers.

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None

Operating expenditure range None

New revenues/savings range None

Explain impact briefly

8. Staff Recommendation**Staff Recommendation** Against Study**If 'For Study' or 'Against Study', explain**

Staff is recommending against study because

- 1) The study would duplicate work recently completed by consultants, staff and Council. Council considered the most recent Cost of Service study for solid waste collection rates on July 22, 2008 (preceded by a study session on June 3) and adopted the new rate structure.
- 2) The cost of service analysis looked at logical groupings of customers for rate-setting and found that, collectively, mobile home parks shared cost-efficient characteristics that justified breaking them out as a rate group separate from single family homes. No such typical characteristics were identified for townhomes, condominiums or other subsets of the single-family customers. In fact, the ease of serving townhomes and condominiums varies substantially (many have poor truck access) and many may be more expensive to serve than typical single-family homes.
- 3) Lowering the rates for additional sub-sets of the single-family homes group would require raising the rates for other customers to make up the lost revenue.

9. Estimated consultant hours for completion of the study issue

200

Managers

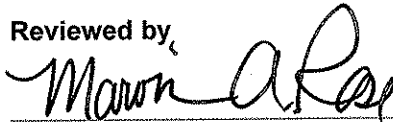
Role	Manager	Hours			
Lead	Bowers, Mark	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0
Interdep	Kahn, David	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Kirby, Tim	Mgr CY1:	80	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0

Total Hours CY1: 230

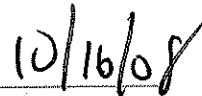
Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by,

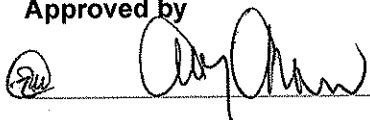


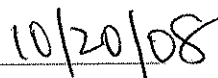
Department Director



Date

Approved by





City Manager

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 13 Sunnyvale Cyclovia Event

Lead Department Public Works
Element or Sub-element Land Use and Transportation
New or Previous New
Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

This study would examine the logistics and costs of holding a "cyclovia" event which would close partial or full width of certain City streets to motor vehicle traffic for a weekend day and allow cyclists and pedestrians to use the streets. "Stations" for promoting healthy lifestyles, the arts, or other activities would be available for community participation.

2. How does this relate to the General Plan or existing City Policy?

C3.5 Support a variety of transportation modes.

3. Origin of issue

Council Member(s) Hamilton
General Plan
City Staff
Public
Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009**5. Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which?
 Arts Commission, Bicycle and Pedestrian Advisory Committee, Parks and Recreation Commission
Is a Council Study Session anticipated? No
What is the public participation process?

6. Cost of Study

Operating Budget Program covering costs
 115 Transportation and Traffic Services
Project Budget covering costs
Budget modification \$ amount needed for study

Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
 Operating expenditure range \$51K - \$100K
 New revenues/savings range None

Explain impact briefly

An event would potentially require significant staff support from the Departments of Public Works, Public Safety, Parks and Recreation, and the Office of the City Manager. Promotional materials may also be necessary to develop and distribute.

8. Staff Recommendation

Staff Recommendation Defer

If 'For Study' or 'Against Study', explain

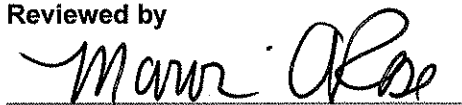
There are presently no resources, including staff and funds, that could support this initiative.

9. Estimated consultant hours for completion of the study issue

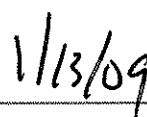
Managers	Role	Manager	Hours			
	Lead	Witthaus, Jack	Mgr CY1:	40	Mgr CY2:	0
			Staff CY1:	40	Staff CY2:	0
	Support	Lord, Patricia	Mgr CY1:	20	Mgr CY2:	0
			Staff CY1:	10	Staff CY2:	0
	Interdep	Merrill, Cathy	Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	5	Staff CY2:	0
	Interdep	Pang, Dayton	Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	10	Staff CY2:	0
Total Hours CY1: 145						
Total Hours CY2: 0						

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by



Department Director



Date

Approved by



City Manager

1-14-09

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee	5		
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 14 Joint Powers Authority (JPA) Approach to Countywide Recycling & Waste Reduction Programs and Services

Lead Department	Public Works
Element or Sub-element	Solid Waste Sub-element
New or Previous	Previous
Status Pending	History 1 year ago Below the line 2 years ago None

1. What are the key elements of the issue? What precipitated it?

Countywide coordination of mandated and discretionary recycling and solid waste planning and service provision is provided by the Recycling & Waste Reduction Commission.

The Commission, chartered by the Board of Supervisors, is made up of elected officials representing cities or groups of cities, the County and the Santa Clara Valley Water District.

A Technical Advisory Committee (TAC) advises the Commission. The TAC is made up of staff from the 15 cities and the County, plus representatives of the solid waste industry, recyclers and the environmental community. Staff support for the Commission and TAC is provided by the County Integrated Waste Management (IWM) Division, part of the County's Department of Agriculture and Environmental Management. Funding for this work comes from a 56 cents per ton landfill disposal fee charged by Santa Clara County on all waste disposed in the county.

The same County IWM staff also provide recycling and waste management services (collection of refuse and recyclables, household hazardous waste disposal). Funding for this work comes from franchise fees charged on refuse collection franchises serving customers in the County unincorporated area.

Because County IWM staff is serving two functions and has two funding sources, it can sometimes be difficult for the staff to provide the services desired by the 15 cities in the manner and time frame desired by the cities. The relatively small amount of the 56 cents per ton fee (Alameda County charges an \$8 per ton voter-approved fee and targets 75% diversion of refuse) also constrains the abilities of the jurisdictions to jointly address issues and problems. By way of example, one problem that keeps the cities from diverting more wastes from landfill is a regional shortage of compost processing capacity. Compost facilities are difficult to site and the siting/permitting process is long and costly.

This and other problems could be more effectively dealt with if the joint activities of the cities and the County unincorporated area were handled through a joint powers authority (JPA). Joint powers authorities are commonly used for solid waste. In this region, examples include JPA's serving Alameda County, West Contra Costa County, Central Costa County, Monterey Bay region, Salinas Valley and Southern San Mateo County. These JPA's take a variety of approaches, from coordinating refuse collection contracts to owning and operating landfills and transfer stations. In the 1970's, Sunnyvale was the host agency for a northern Santa Clara County JPA that worked on regional approaches to planning and implementing long-term refuse disposal. It was this JPA's work that originally proposed a transfer station on the site that ultimately became the SMaRT Station®.

This study issue would explore, in cooperation with the other Santa Clara County jurisdictions, the advantages and disadvantages of creating a JPA to better serve their long-term waste reduction, recycling, composting, and waste disposal needs. Possible benefits would include creation of JPA staff resources that could more effectively carry out tasks currently done by County staff and could engage in long term facility planning to address regional needs for composting, recycling and

disposal of solid waste, household hazardous waste, pharmaceutical waste, and electronic wastes.

2. How does this relate to the General Plan or existing City Policy?

The Solid Waste Sub-element sets a goal (Goal 3.2B) of diverting 50% or more of the waste generated in Sunnyvale. Diversion was calculated as 63% in 2006, the most recent year for which official numbers are available.

As of October, 2008, staff is preparing a 2008 study issue report on Zero Waste. If, in response to the Zero Waste study issue, the diversion target were to be set significantly higher than the current 63%, achieving it could be constrained by local recycling and composting infrastructure shortfalls that can only reasonably be addressed on a regional, cooperative basis.

3. Origin of issue

Council Member(s)

General Plan

City Staff X

Public

Board or Commission none

4. Multiple Year Project? Yes Planned Completion Year 2010

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? Yes

What is the public participation process?

A public meeting (one, at minimum) would be held to gather input on the advisability of taking a Joint Powers Authority approach in this area.

6. Cost of Study

Operating Budget Program covering costs

323, Solid Waste Management

Project Budget covering costs

Budget modification \$ amount needed for study

\$50,000.00

Explain below what the additional funding will be used for

The \$50,000 represents the full initial cost of temporary staff or consultant cost to scope out the process, arrange meetings with jurisdictions and assess regional interest in a solid waste JPA. If interest exists, other jurisdictions would be asked to reimburse the City for their proportional shares of the \$50,000 and would formally share in future development and startup expenses. Staff recommends "for study" only if other jurisdictions agree in advance to pay equitable shares of the \$50,000.

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range

None

Operating expenditure range

Under \$500

New revenues/savings range

None

Explain impact briefly

Little fiscal impact would be seen unless there appeared to be regional interest in creating a JPA.

8. Staff Recommendation

Staff Recommendation For Study

If 'For Study' or 'Against Study', explain

Staff recommends "for study" only if other jurisdictions agree in advance to pay equitable shares of the \$50,000. Recycling and composting are among the most effective ways to reduce community emissions of greenhouse gases. Regional efforts to do more recycling and composting are reaching physical and financial constraints due to regional shortages of infrastructure, especially compost facilities. Money currently being used to fund joint activities by County IWM staff could be more effectively controlled and spent by a staff dedicated to regional recycling and waste reduction priorities and directed by all participating jurisdictions.

9. Estimated consultant hours for completion of the study issue

300

Managers

Role	Manager	Hours			
Lead	Bowers, Mark	Mgr CY1:	200	Mgr CY2:	0
		Staff CY1:	200	Staff CY2:	0
Interdep	Boco, Robert	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 420

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

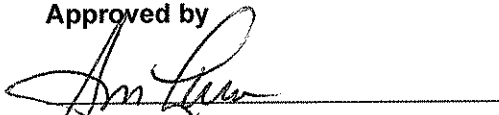


Department Director

1/13/09

Date

Approved by



City Manager

1-14-09

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 15 Policy to encourage reduction in the generation of household waste and fee impact on solid waste rates

Lead Department Public Works

Element or Sub-element Solid Waste Sub-element, Fiscal Sub-element

New or Previous New

Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

Pursuant to a Council policy adopted in 1993, Sunnyvale's 300+ individual solid waste collection rates are set based on the cost of providing each service. This approach is consistent with California law requirements that fees charged by jurisdictions not exceed the cost of providing the service in question. Rates are periodically recalculated and reset to cost of service. This process was recently followed and, following a comprehensive cost of service study, Council approved new Cost of Service rates on July 22, 2008. FY 2008/09 single-family home rates were set at:

35-gallon cart: \$25.31

65-gallon cart: \$30.90

95-gallon cart: \$36.50

Each additional bag -\$6.00

The Unlimited service option was eliminated as an option.

The rates established by Council result in price gaps of approximately \$5.60 between the residential service levels. Methodologies surrounding the application of the cost of service principle to service charges vary around the state and leave room for some interpretation of the requirements of California Constitution Article XIII.D (Proposition 218). This study issue proposes to set residential solid waste collection rates that would result in larger price gaps between the three garbage service levels. The policy goal would be to provide additional financial incentive (beyond the incentives provided in the rate structure adopted on July 22, 2008) to encourage the generation of less garbage by residents.

2. How does this relate to the General Plan or existing City Policy?

Solid Waste Sub-element

Goal 3.2B - "Reduce solid waste disposal to 50% or less of the amount generated in 1990 (as adjusted to reflect population and economic changes) in the most cost-effective manner." The City's diversion rate is currently 63%.

Action Statement 3.2F.1a - "Periodically restructure refuse collection and disposal rates to incorporate demand management, minimize demand for services, and reflect actual costs."

Fiscal Sub-element

Policy 7.11.1a.5 - "The user fees established for each utility will be reviewed annually and set at a level that will support the total costs of the utility, including direct and indirect costs and contributions to reserves set by Council policy."

Council Policy 3.2.3 - "Provide a consistent method, based on cost of service, for setting rates for solid waste services."

3. Origin of issue

Council Member(s) Lee/Swegles

General Plan

City Staff

Public

Board or Commission none

4. Multiple Year Project? No **Planned Completion Year** 2009

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? Yes

What is the public participation process?

A "Proposition 218" notification would be mailed to all customers at least 45 days prior to Council consideration of any change in solid waste collection rates. Council is required to hold a public hearing on any changes to the rates. Notification of the proposed changes would be provided to neighborhood associations and Sunnyvale Cool Cities.

6. Cost of Study

Operating Budget Program covering costs

Program 323, Solid Waste Management

Project Budget covering costs

Budget modification \$ amount needed for study

\$30,000

Explain below what the additional funding will be used for

Consultant assistance in revising the Cost of Service computer model and advising staff on policy options and effects of various rate practices on revenues, costs, customer behaviors, etc.

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None

Operating expenditure range \$500 - \$50K

New revenues/savings range None

Explain impact briefly

If Council acted to provide significantly larger financial incentives for residential customers to move to smaller cart sizes, anticipated financial impacts to City operations are: --Increased cost for cleaning up illegal dumping and responding to complaints about illegal dumping in garbage containers paid for by other customers --Increased cost to process and market yard trimmings and curbside recyclable materials due to increased contamination --Decreased cost for landfill disposal of waste --Reduced materials sale revenues due to increased contamination of curbside recyclables The amounts of these various financial impacts would be researched and estimated as part of the study issue.

8. Staff Recommendation

Staff Recommendation Defer

If 'For Study' or 'Against Study', explain

Staff is recommending deferral of this study for two primary reasons:

1) Study of this issue would substantially duplicate recent work by consultants, staff and Council. Council considered the most recent Cost of Service study for solid waste collection rates on July 22, 2008 (preceded by a study session on June 3) and adopted the new rate structure. It had the opportunity to take another approach to setting residential

rates and did not do so.

2) Staff has already been charged with preparing a 2008 Zero Waste study issue that is scheduled to be considered by Council in December 2008. The Zero Waste study issue will present Council with a range of policy options, including this proposed financial incentives option, from which Council can choose options that match the desired level of waste reduction and cost. Thus, this issue may be deferred until Council makes a decision on the Zero Waste study issue.

Other factors in staff's recommendation to defer, include:

--If higher rates are charged for larger carts, the proposal could result in some customers being charged more than cost of service. This would be inconsistent with State law, which holds that fees for service cannot exceed the proportional cost of the service attributable to that property.

--Because the solid waste program is funded on a cost recovery basis, charging customers with larger carts more than cost of service means that someone else would be charged less than cost of service. Otherwise, revenues would exceed costs. This aspect conflicts with Council Policy 3.2.3 and the Fiscal and Solid Waste Sub-elements, which all state as policy that rates are to be set on a cost of service basis.

--If rates are changed to create larger price gaps between service levels, fewer customers will subscribe to the larger cart sizes, reducing revenue to the solid waste fund. Recovering this revenue will require increases in the rates charged for the smaller cart sizes. Paradoxically, the combination of cost recovery and large shifts in subscription levels can result in rates that are both below cost of service and higher than at present. This can create hardships for fixed income customers who typically produce smaller amounts of garbage and choose the smallest cart size.

Setting residential rates as proposed typically results in large price gaps between cart sizes in which, for example, the cost of service doubles and triples as the size of the garbage cart doubles and triples. Based on how this practice is implemented in other jurisdictions, the result would be rates on the order of \$30, \$60 and \$90 per month for the three cart sizes being put into service in Sunnyvale. Council would, of course, have discretion to set rates at any levels it found appropriate.

Many undesirable effects are seen in other jurisdictions when this type of rate structure is put into place. Very few residents can afford to or are willing to pay, for example, \$90 for the service that currently costs \$36.50 on a cost of service basis. Instead, the typical customer tends to pick the smallest, least expensive cart size and deals with his or her extra garbage by:

--compacting it into the small cart, making the cart difficult to empty on service day but not reducing the weight of garbage collected

--hiding garbage in the yard trimmings cart, contaminating the compostable material (which increases processing cost and composting charges)

--hiding garbage in the recycling cart, contaminating the recyclables (which increases processing cost and reduces revenues, since the contaminated recyclables are worth less when they are sold)

--illegally dumping garbage in commercial garbage bins and empty lots and on the roadside, increasing City costs for cleanup of illegal dumping and enforcement of illegal dumping laws.

9. Estimated consultant hours for completion of the study issue

200

Managers

Role	Manager	Hours			
Lead	Bowers, Mark	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0

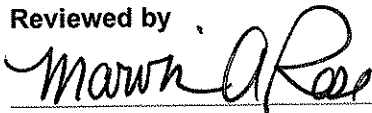
Interdep	Kahn, David	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Kirby, Tim	Mgr CY1:	80	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0

Total Hours CY1: 230

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by



Department Director

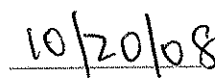


Date

Approved by



City Manager



Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	
	Rank 1 year ago	Rank 2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact Bowers, Mark

Proposed 2009 Council Study Issue

DPW 16 Banning the Use of Plastic Grocery Bags Throughout the City

Lead Department	Public Works
Element or Sub-element	Solid Waste Sub-element, Storm Water Runoff Sub-element
New or Previous	New
Status Pending	History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

In June, 2008, the Santa Clara County Cities Association asked its members to encourage their jurisdictions to develop and implement local ordinances that would reduce the number of plastic bags used to hold customer purchases from retail stores. Councilmember Lee brought this issue back to Council at its meeting of June 24, 2008, at which time three Councilmembers (Lee, Swegles and Howe) requested a study issue on the topic.

Plastic bag litter is a dangerous, costly and growing problem. According to the nonprofit environmental group Californians Against Waste (CAW), Californians use an estimated 19 billion plastic bags annually, many of which are littered. Plastic bags have historically suffered from low recycling rates. Even when properly disposed of, plastic bags are often blown from receptacles and become litter. Because plastic bags are so lightweight and aerodynamic, they are quickly transported into waterways.

Plastic bag litter is responsible for the deaths of thousands of birds, marine mammals, and endangered sea turtles which mistake them for food. Plastic bags essentially never biodegrade; instead they slowly photodegrade, attracting ambient toxins as they break into smaller pieces and overwhelm the local plankton food chain. In some of the worst affected areas of the Pacific, there are already 46 times more plastic than plankton by weight.

Bags are not amenable to being recycled as part of curbside recycling programs. Their physical characteristics lead to bags clogging and jamming machinery. Bags recovered in this way are generally so contaminated with moisture and non-plastic contaminants that they are not accepted by end-users who recycle plastics into new products. Very few bags collected by curbside recycling programs are actually recycled and most are disposed.

State law (AB 2449) now requires larger grocery stores and pharmacies to, among other things, take back plastic bags for recycling and sell reusable bags. This law also preempts cities from imposing a plastic carryout bag fee or a recycling requirement on a store that is in compliance with this law. AB 2058, pending in the Legislature as of July 2008, would require a 25-cent fee for each plastic provided to a customer. AB 2058 also removes the preemption of local bag fees imposed by AB 2449.

The Technical Advisory Committee that is advisory to the Santa Clara County Recycling and Waste Reduction Commission began discussing development of a countywide approach to single-use bags and containers at its February 14, 2008 meeting. The TAC referred the matter to its Recycling and Waste Reduction Subcommittee and asked that body to look at various options and return with a status report. As of July 2008, the Subcommittee has reported back on the progress of discussions between City of San Jose and industry on a grocery bag ordinance for San Jose and similar discussions in Palo Alto. TAC has held off independent development of specific ordinance language in order to take full advantage of concepts expected to arise in the negotiations in those two cities.

Examples of issues arising in San Jose's ordinance discussions with grocers/retailers are:

- 1) If the ordinance bans or places fees solely on plastic bags, grocers are concerned that market pressures will cause them to continue to hand out single use bags made of paper. They state that paper bags cost them more to purchase and take up more storage space than plastic bags. Retailers generally would prefer a material-neutral ordinance, i.e. that a ban or fee applies equally to plastic and paper bags. This approach is opposed by the plastics and paper industries.
- 2) If a fee of, say, 25 cents, is applied per bag (when the customer has not provided a bag), that this could lead to conflict with customers making small value purchases. On larger purchases, customers might complain that the store is packing the purchase in too many bags, since each has a fee attached to it. Retailers might feel competitive pressure to cheat and not properly apply the fee to avoid losing business to another retailer.
- 3) To avoid the previous problem, a bag fee could be stated as a percent of purchase price, making it resemble a sales tax. However, this would conceal the impact of the bag fee from the typical shopper and be less likely to drive the desired behavior change (less bag use).

This study issue would sort through the large number of issues and provide Council with optional ways to minimize plastic bag use. The goal would be to produce an enforceable, practical regional ordinance and/or other courses of action that would minimize use and disposal of single-use bags and avoid, to the extent possible, unintended consequences.

Other California cities that have passed ordinances banning plastics (bags, Styrofoam, etc.) have seen the packaging industry successfully challenge the ordinances on CEQA grounds. So, any ordinance would require a thorough CEQA Initial Study and preparation of a Negative Declaration or EIR, as indicated by the Initial Study.

2. How does this relate to the General Plan or existing City Policy?

Solid Waste Sub-element Policy 3.2B.1. Reduce generation of solid waste by providing source reduction programs and promoting source reduction behavior.

Surface Runoff Sub-element Policy A.3. Ensure that Best Management Practices are implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable.

LAP 3.0 (1) Support incentives to limit all types of pollution at their source.

3. Origin of issue

Council Member(s) Lee, Swegles, Howe
General Plan
City Staff
Public
Board or Commission none

4. **Multiple Year Project?** No **Planned Completion Year** 2009

5. **Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? No

What is the public participation process?

6. **Cost of Study**

Operating Budget Program covering costs

323 Solid Waste Mgmt, 344 Wastewater Trtmnt

Project Budget covering costs

Budget modification \$ amount needed for study

Explain below what the additional funding will be used for

7. **Potential fiscal impact to implement recommendations in the Study approved by Council**

Capital expenditure range None

Operating expenditure range \$500 - \$50K

New revenues/savings range None

Explain impact briefly

Depending on the content of the ordinance adopted, staff time may be required to enforce the ordinance, respond to public complaints about non-compliant stores, etc.

8. **Staff Recommendation**

Staff Recommendation For Study

If 'For Study' or 'Against Study', explain

9. **Estimated consultant hours for completion of the study issue**

Managers	Role	Manager	Hours
	Lead	Bowers, Mark	Mgr CY1: 200 Mgr CY2: 0 Staff CY1: 100 Staff CY2: 0
	Support	Gervin, Lorrie	

	Mgr CY1:	60	Mgr CY2:	0	
	Staff CY1:	20	Staff CY2:	0	
Support	Gurney, Rich (i)	Mgr CY1:	100	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0
Interdep	Boco, Robert	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Verceles, Connie	Mgr CY1:	40	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 620

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

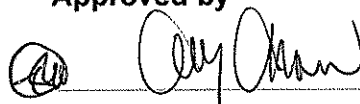


Department Director

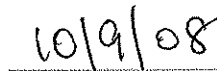


Date

Approved by



City Manager



Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank Rank 1 year ago	Rank Rank 2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 17 Citing persons who remove shopping carts from store premises

Lead Department Public Works
Element or Sub-element 2.5 Community Design
New or Previous New
Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

The City recently adopted an ordinance requiring businesses to control and contain their shopping carts, and not allow them to leave store premises. Penalties and special plan requirements were established for violators. This issue is to study what other cities have done concerning the citing of individuals who take carts without permission. The intent is to identify how other cities enforce laws against the taking of shopping carts, and for Council consideration of priority in which to assign the enforcement activity.

2. How does this relate to the General Plan or existing City Policy?

This is a follow-up to the Shopping Cart Containment Ordinance adopted by Council upon second reading at their meeting of October 28, 2008.

3. Origin of issue

Council Member(s) Lee, Spitaleri
General Plan
City Staff
Public
Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009**5. Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? No
If so, which?
Is a Council Study Session anticipated? Yes
What is the public participation process?
 None. The intent is to see what other jurisdictions have tried and to consider how this could be enacted in Sunnyvale.

6. Cost of Study

Operating Budget Program covering costs
 118790 Remove Abandoned Shopping Carts as Debris
Project Budget covering costs
Budget modification \$ amount needed for study
Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range	\$500 - \$50K
Operating expenditure range	\$500 - \$50K
New revenues/savings range	\$500 - \$50K

Explain impact briefly

Project costs will go towards citational, educational and related materials to allow implementation of this item, and to provide guidance to perpatrators cited.

8. Staff Recommendation**Staff Recommendation** Against Study**If 'For Study' or 'Against Study', explain**

The prohibition against removing carts from stores is included in new ordinance 2882-08, as section 9.30.040 to the Municipal Code.

9.30.040 Unauthorized removal prohibited:

It shall be unlawful for any person, either temporarily or permanently, to remove a cart from a business premises or be in possession of a cart that has been removed from a premises without the express written consent of the owner. The provisions of this section are not intended to preclude the application of any other state laws relating to the prosecution of abandoned shopping carts.

This section is intended to be consistent with the language in state law found at California Business and Professions Code section 22435.2. Since this violation is a criminal misdemeanor under both state law and local ordinance, the fine would be set by the criminal judicial system. However, the enforcement of this criminal violation has been found to be difficult due to the infrequency of actually seeing someone with a cart (i.e., by the time the carts are reported to the City they have already been abandoned), the public relations issues that arise when certain citizens such as mothers or the elderly are cited, and the commitment of staff and Public Safety resources that would be necessary to patrol for and respond to such violations. According to staffs research, other cities have also had difficulty enforcing this violation since stores often refuse to cooperate with law enforcement efforts to prosecute their customers.

For these reasons, staff recommends against this study issue.

9. Estimated consultant hours for completion of the study issue

Managers		Role	Manager	Hours		
	Lead	Craig, Jim	Mgr CY1:	40	Mgr CY2:	0
			Staff CY1:	80	Staff CY2:	0
	Interdep	Gunvalsen, Christy	Mgr CY1:	10	Mgr CY2:	0
			Staff CY1:	0	Staff CY2:	0
	Total Hours CY1: 130					
	Total Hours CY2: 0					

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by


Maria A. Rose

Department Director

11/13/08

Date

Approved by

 City Manager

11/17/08

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 18 Methods for Discouraging Highway 85 Corridor Traffic from Using Sunnyvale City Streets

Lead Department Public Works
Element or Sub-element 1.1 Land Use and Transportation
New or Previous New
Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

Residents in southwest Sunnyvale are concerned about the potential for Highway 85 traffic to exit the freeway due to congested conditions and use Sunnyvale city streets as a bypass. These concerns were voiced during the process for considering the Mary Avenue Extension project. This study would look at methods to discourage freeway corridor traffic from using Sunnyvale City streets. The study would be prepared by City staff with consultant assistance to test alternative methods for traffic routing using the City's traffic model.

2. How does this relate to the General Plan or existing City Policy?

Land Use and Transportation N1.5 Support a roadway system that protects internal residential areas from City-wide and regional traffic.

3. Origin of issue

Council Member(s) Lee
General Plan
City Staff
Public
Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
 Does this issue require review by a Board/Commission? No
 If so, which?
 Is a Council Study Session anticipated? No
 What is the public participation process?
 City Council hearing.

6. Cost of Study

Operating Budget Program covering costs
 Project Budget covering costs
 Budget modification \$ amount needed for study
 \$7,500.00
 Explain below what the additional funding will be used for

Transportation system modeling.

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range \$101K - \$500K

Operating expenditure range \$500 - \$50K

New revenues/savings range None

Explain impact briefly

Physical changes to the roadway system to divert or restrict certain traffic movements should Council act to approve changes.

8. Staff Recommendation

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain

An EIR prepared for the Mary Avenue Extension project showed that there is little potential for traffic to divert from Highway 85.

9. Estimated consultant hours for completion of the study issue

50

Managers

Role	Manager	Hours
Lead	Witthaus, Jack	
Mgr CY1:	40	Mgr CY2: 0
Staff CY1:	20	Staff CY2: 0

Total Hours CY1: 60

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by



Department Director



Date

Approved by



City Manager



Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	
	Rank 1 year ago	Rank 2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 19 Downtown to Moffett Industrial Park Shuttle Bus Feasibility Study

Lead Department Public Works
Element or Sub-element 1.1 Land Use and Transportation
New or Previous New
Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

This study would examine the costs and benefits of establishing a shuttle bus service between the Moffett Industrial Park and downtown Sunnyvale. This study would be conducted by City staff using available information and referencing past studies.

2. How does this relate to the General Plan or existing City Policy?

Land Use and Transportation C3.5 Support a variety of transportation modes.

3. Origin of issue

Council Member(s) Whittum, Spitaleri
General Plan
City Staff
Public
Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? No
If so, which?
Is a Council Study Session anticipated? No
What is the public participation process?
 City Council hearing.

6. Cost of Study

Operating Budget Program covering costs
Project Budget covering costs
Budget modification \$ amount needed for study
Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range \$101K - \$500K

Operating expenditure range

\$101K - \$500K

New revenues/savings range

None

Explain impact briefly

Capital expenditures would be for purchase of buses and supporting equipment. Operating expenditures would be for driver salaries, fuel, and vehicle maintenance.

8. Staff Recommendation**Staff Recommendation Against Study****If 'For Study' or 'Against Study', explain**

This issue has been studied twice within the past fifteen years by the City, and the Santa Clara Valley Transportation Authority has also studied this corridor as recently as 2008. These studies concluded that ridership would be low and a service would not be cost effective. A service would require a significant ongoing subsidy by the City. Further, there are existing services provided by the VTA and private business which would be duplicated by a City shuttle service. Employers in the area currently provide passes for free transit rides on the VTA service as well. The level of demand, even with free passes, does not warrant any increased service level according to VTA's studies. The City's study of this specific service, while conducted several years ago, found that some employers in the area do not wish to encourage their employees to leave the area during the lunch hour; this philosophy may still be supported by area employers as evidenced by the provision of on-site dining facilities at several of the area campuses.

9. Estimated consultant hours for completion of the study issue**Managers**


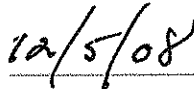
Role	Manager	Hours			
Lead	Witthaus, Jack	Mgr CY1:	40	Mgr CY2:	0
		Staff CY1:	80	Staff CY2:	0

Total Hours CY1: 120**Total Hours CY2: 0**

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

Department Director

Date**Approved by**

City Manager

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank 1 year ago	Rank 2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			
Board or Commission ranking comments			

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 20 Consider any code revisions that would be necessary to allow for the filtering of "gray water" and the reuse of the filtered gray water for household purposes.

Lead Department Public Works
Element or Sub-element 3.0 Environmental Management
New or Previous New
Status Pending **History** 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

At the December 9, 2008 Council meeting, discussion took place to consider code revisions to allow filtering of gray water for household use. The issue was sponsored by Councilmembers Whittum and Swegles.

Purpose - Regulatory/Health Issues - Gray water is wastewater that has been used only for certain purposes that are generally considered cleaning, such as the washing of fruit, bathing, hand washing and teeth brushing. If gray water is kept separate from other sanitary waste, and receives some amount of local treatment, it is possible to use it for non-potable uses. Ensuring that this separation remains, and that the gray water is put only to certain, appropriate uses, is a health and safety issue that must be dealt with in developing the use of gray water. Regulations exist, and investigation has been performed by others as to the feasibility of using gray water for such appropriate purposes

Water Conservation - The use of gray water at individual sites has the potential to offset potable water use for landscape irrigation, toilet flushing, and perhaps other outdoor uses. Such usage would also reduce the amount of wastewater going to the water pollution control plant and requiring treatment.

City Role - Given that this is a use of a particular water source at a particular site, gray water would not involve City infrastructure, but City roles of education about the uses and or concerns with gray water might be appropriate, and possibly some type of regulatory oversight role, to ensure that health and safety issues are addressed. This role would need to be researched vis-a-vis other regulatory purviews such as Dept of Health Services and Regional Water Quality Control Board.

2. How does this relate to the General Plan or existing City Policy?

3.1 WATER RESOURCES: GOALS, POLICIES AND ACTION STRATEGIES

GOAL B: Water Conservation - *Promote more efficient use of the City's water resources to reduce the demands placed on the City's water supplies.*

Policy B.1: Lower overall water demand through the effective use of water conservation programs designed to increase water use efficiency in the residential, commercial, industrial and landscaping arenas, partnering with our wholesalers.

GOAL D: Water Quality - *Ensure that all water meets state and federal standards for aesthetics, quality and health.*

Policy D.1: Maintain and update a comprehensive water quality-monitoring program that meets or exceeds all state and federal requirements, while also meeting specific City and residents' needs.

3. Origin of issue

Council Member(s) Whittum, Swegles
General Plan
City Staff
Public
Board or Commission none

4. Multiple Year Project? No **Planned Completion Year** 2009

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? No
If so, which?
Is a Council Study Session anticipated? No
What is the public participation process?
 Standard participation through the Council public hearing process.

6. Cost of Study

Operating Budget Program covering costs
 344 Wastewater Treatment

Project Budget covering costs

Budget modification \$ amount needed for study
 \$40,000.00

Explain below what the additional funding will be used for

Use of outside specialists knowledgeable in the field to consider federal and state regulatory requirements, and the health implications based upon standard practices of the water industry for the use of gray water in varying situations.

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range None
Operating expenditure range \$51K - \$100K
New revenues/savings range None

Explain impact briefly

Operating expenses to monitor/regulate gray water use if City adopts a program

8. Staff Recommendation

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain

Staff recommends against this study because there is no outside funding source identified and staff workloads are already at maximum levels due to increasing regulatory mandates.

9. Estimated consultant hours for completion of the study issue

200

Managers

Role	Manager	Hours
Lead	Gervin, Lorrie	Mgr CY1: 40 Mgr CY2: 0

	Staff CY1:	40	Staff CY2:	0
Support Craig, Jim	Mgr CY1:	25	Mgr CY2:	0
	Staff CY1:	40	Staff CY2:	0

Total Hours CY1: 145**Total Hours CY2: 0**

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

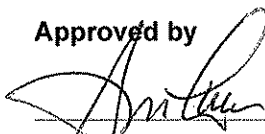


Department Director

1/13/09

Date

Approved by



City Manager

1-14-09

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank	Rank
	Rank	1 year ago	2 years ago
Arts Commission			
Bicycle and Pedestrian Advisory Committee			
Board of Building Code Appeals			
Board of Library Trustees			
Child Care Advisory Board			
Heritage Preservation Commission			
Housing and Human Services Commission			
Parks and Recreation Commission			
Personnel Board			
Planning Commission			

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact

Proposed 2009 Council Study Issue

DPW 21 Explore Revenue-generating uses of the former landfill property

Lead Department	Public Works
Element or Sub-element	Solid Waste Sub-element
New or Previous	New
Status	Pending
History	1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

This study issue was proposed by Councilmembers Swegles, Howe and Hamilton on January 6, 2009, following the public hearing on study issues. The issue was raised in the context of discussion of sites for solar energy installations.

A number of revenues are currently generated from uses located on the closed landfill. They include the Raisch concrete recycling facility lease on the East Hill of the landfill, the lease to County of Santa Clara of the Household Hazardous Waste Event Site at 164 Carl Road, and various revenues generated from the landfill gas captured at the landfill (e.g. sale of Renewable Energy Credits and federal Renewable Energy Production Incentives).

Staff maintains an "open door" to discussing other ways of generating revenue and has recently toured the landfill with a local solar energy company to assess its interest in leasing space for an experimental solar installation.

In assessing revenue generation proposals, three key site constraints must be kept in mind:

- 1) The landfill surface may look solid, but is only a 3 to 4-foot thin "skin" of engineered clay covered by topsoil that does not allow easy installation of structures, concrete foundations, etc.
- 2) Underneath the landfill surface there are approximately 80 landfill gas wells and miles of associated piping required to comply with state and federal regulations for capture of landfill gas. Any postclosure land use must not only avoid damage to the wells and piping but must be located so as to allow access for maintenance and repair of the system.
- 3) The only post-closure land uses allowed at the landfill are those identified and permitted by the Post-closure Maintenance Plan approved by the California Integrated Waste Management Board. Uses are further limited by deed restrictions on the landfill property that were required to be filed at the time of landfill closure. Approval of a proposed use by the Regional Water Quality Control Board could also be required, depending on the nature of the proposed use and its potential impacts on ground water, surface water or landfill leachate.

2. How does this relate to the General Plan or existing City Policy?

The Solid Waste Sub-element of the General Plan includes Goal 3.2H, "Manage the closed Sunnyvale Landfill in a manner that protects the public health and safety and the environment, promotes enjoyable public use of the site, and assists in the achievement of other goals of the Solid Waste Sub-element. Among the policies subordinate to this goal is Policy 3.2H.5, "Generate revenues from post-closure uses of the landfill."

3. Origin of issue

Council Member(s)	Swegles, Howe, Hamilton
General Plan	

City Staff

Public

Board or Commission none

4. Multiple Year Project? No Planned Completion Year 2009

5. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? Yes

If so, which?

Parks and Recreation Commission

Is a Council Study Session anticipated? No

What is the public participation process?

Standard public hearing notice and practices

6. Cost of Study

Operating Budget Program covering costs

323 Solid Waste Management

Project Budget covering costs

Budget modification \$ amount needed for study

Explain below what the additional funding will be used for

7. Potential fiscal impact to implement recommendations in the Study approved by Council

Capital expenditure range \$500 - \$50K

Operating expenditure range \$500 - \$50K

New revenues/savings range \$500 - \$50K

Explain impact briefly

Depending on the nature of a proposed revenue generating post-closure use, specialized consultant and legal assistance could be needed to evaluate technical/environmental impacts and to obtain needed regulatory approvals. Placing new uses on the landfill surface would be likely to increase operating costs for maintenance and repair of the landfill gas system, offsetting some of the increased revenue.

8. Staff Recommendation

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain

Staff is recommending against study because:

1) the Solid Waste Sub-element includes a goal and a comprehensive set of policies that address post-closure uses of the Sunnyvale Landfill.

2) staff continues to implement revenue generating post-closure land uses that are consistent with the sub-element's policies.

9. Estimated consultant hours for completion of the study issue

Managers

Role

Manager

Hours

Lead	Bowers, Mark	Mgr CY1:	60	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0
Interdep	Lewis, David	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 120

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

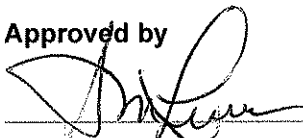


Department Director

1/13/09

Date

Approved by



City Manager

1/14/09

Date

Addendum

A. Board / Commission Recommendation

☐ Issue Created Too Late for B/C Ranking

Board or Commission	Rank	Rank
	Rank	1 year ago
		2 years ago
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

Board or Commission ranking comments

B. Council

Council Rank (no rank yet)
Work Plan Review Date (blank)
Study Session Date (blank)
RTC Date (blank)
Actual Complete Date (blank)
Staff Contact